## University of California Police Department Berkeley



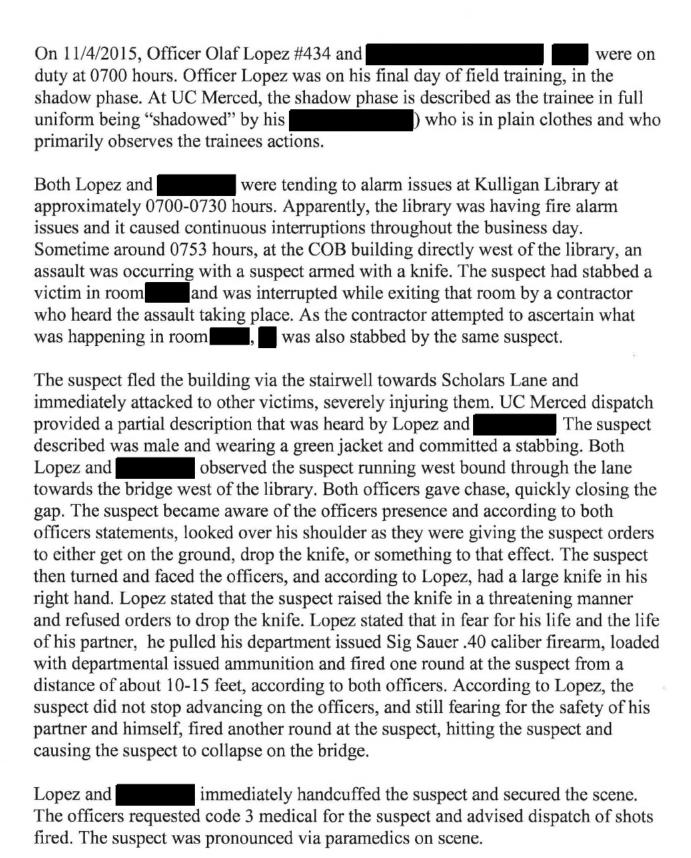
## Complaint Investigation: Report of Findings # 15-249

Complainant:

Subject: Olaf Lopez

Investigator: Detective John Kelly

Date Submitted: Resubmitted:



#15-249

This is a summary of statements given to the Merced County Sheriffs Department on 11/4/2015.

On 11/5/2015 at 1420 hours, Lt. McNiff (UC San Francisco) and myself conducted an administrative interview with Officer Lopez regarding the incident. This interview was conducted at the UC Merced Police Department and was recorded. Also present was Christina Petricca from the Mastagni Holstedt Law Firm. Petricca was representing Lopez. Petricca also stated that she was comfortable with us speaking with her clients but did insist on ground rules for the interview. Petricca stated that she did not want to rehash the entire incident as it was a very traumatic incident. Petricca made the original voluntary statement given by Lopez and to the Merced Sheriffs available to us. Lopez was given his Lybarger admonishment and signed the admonishment.

During this interview, I was able to ask Lopez pertinent questions regarding departmental policies regarding the use of a firearm, qualifications for use of a firearm and the firearm used in the incident.

In regards to the Use of Force Policy #300, Lopez used deadly force to prevent great bodily injury and possibly death to himself and/or his partner, Officer by use of his departmental issued Sig Sauer .40 caliber P226 loaded with department issued ammunition. Lopez, according to his statement, initially fired one round at the suspect from between 10-15 feet to stop the advance of the suspect armed with a large knife, which was held in his right hand over his head in what appeared to be a menacing manner. Lopez the reassessed the suspect, stating that the initial shot had little effect on the suspect and continued to advance towards Lopez. Lopez fired one additional round at the suspect, causing the suspect to drop to the ground.

In accordance with Policy #310.4.1 (b), Lopez immediately advised dispatch to start "Riggs" code 3. Riggs is the local ambulance commonly used in the Merced area. Lopez and immediately secured the scene, requested additional units via dispatch and advised that shots were fired, a suspect was down, and that the suspect was secured in handcuffs.

On 11/5/15 at 1456 hours, Lt. McNiff (UC San Francisco) and myself conducted an administrative interview with Officer regarding the incident. This

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